

Margaret Cascino, Esquire
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(COUNSEL FOR CREDITOR)

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE WESTERN DISTRICT OF
NEW YORK

In Re:

Dinah L. Chambers
Debtor(s)

Chapter: 13

Bankruptcy Case: 16-12167-CLB

Objection of Queen's Park Oval Asset Holding Trust (hereinafter referred to as "Queen's Park Oval Asset Holding Trust") to Debtor(s)' Chapter 13 Plan With Respect to treatment of Creditor's Claim in the following Property: 37 Glencove Road, Buffalo, NY 14223 (the "Property")

Queen's Park Oval Asset Holding Trust, through its undersigned Counsel, who is duly authorized to practice before this Court, on behalf of Stern & Eisenberg, PC, respectfully requests that the Court deny confirmation of the most recent Plan filed by Debtor and in support thereof respectfully represent and affirms under penalty of perjury as follows:

1. Queen's Park Oval Asset Holding Trust is the holder of a Note and Mortgage executed by Debtor on June 4, 2008 in the amount of \$125,820.00. Said loan is secured by the real property owned by Debtor located at 37 Glencove Road, Buffalo, NY 14223 (the "Property").
2. Debtor filed the instant Chapter 13 Bankruptcy on October 23, 2016 and as a result, any State Court proceedings, if any, were stayed.
3. Queen's Park Oval Asset Holding Trust objects to the Chapter 13 Plan for the following reasons:
 - a. The plan understates the pre-petition arrears due and owing Queen's Park Oval Asset Holding Trust in accordance with the terms of the Note and Mortgage. As set forth in Queen's Park Oval Asset Holding Trust's filed Proof of Claim, the pre-petition arrears due to Creditor is \$91,124.55, whereas the plan estimates the arrears as \$75,000. Since Debtor is only contributing \$91,440 into the plan, the plan, as currently proposed, is underfunded.
4. By proposing to pay the Creditor as proposed, the Plan violates the standards of 11 U.S.C. 1325(a)(5)(B)(i).

CH 13 OBJECTION TO PLAN

5. These Objections are made in accordance with the Rules of Bankruptcy Procedure.

WHEREFORE, Creditor, Queen's Park Oval Asset Holding Trust respectfully requests this Court deny confirmation of the Chapter 13 Plan together with such other relief this Court deems necessary and appropriate.

Respectfully submitted,

STERN & EISENBERG, P.C.

Dated: November 9, 2016

BY: /s/ Margaret Cascino
Margaret Cascino, Esquire
Stern & Eisenberg, PC
485 B Route 1 South, Suite 330
Woodbridge Corporate Center
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Telephone: (732) 582-6344
Attorney for Creditor

CH 13 OBJECTION TO PLAN

IN THE UNITED STATES
BANKRUPTCY COURT FOR THE
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Chapter 13

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AFFIDAVIT OF SERVICE

I, Margaret Cascino, hereby affirms, under the penalty of perjury, that a true and correct copy of the within Objections of Queen's Park Oval Asset Holding Trust, together with Order, Notice and this Certificate, was sent by first class, postage prepaid mail on the Debtor Counsel and the Trustee and all other required parties in accordance with the Rules of Bankruptcy Procedure on the date set forth below.

Albert J. Mogavero
110 Pearl Street, 6th Floor
Buffalo, NY 14202
(BK Trustee)

Regular Mail
Notice of Electronic Filing (ECF)

Dinah L. Chambers
37 Glencove Road
Buffalo, NY 14223

Regular Mail

Matthew Allen Lazroe
43 Court Street
Suite 1111
Buffalo, NY 14202
lazroebankruptcy@gmail.com
(Debtor Counsel)

Regular Mail
Notice of Electronic Filing (ECF)

STERN & EISENBERG, P.C.

Dated: 11/09/2016

BY: /s/ Margaret Cascino, Esquire
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Attorney for Creditor

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